



Amendment Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2828

PATENT  
ATTORNEY DOCKET NO.: 041514-5171

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Mitsuru NISHITSUKA et al. ) Confirmation No.: 2693  
Application No.: 09/516,731 ) Group Art Unit: 2828  
Filed: March 1, 2000 ) Examiner: A. Rodriguez  
For: SEMICONDUCTOR LASER DEVICE )  
PROVIDING LASER LIGHT OF TWO )  
WAVELENGTHS AND METHOD OF )  
FABRICATING THE SAME )

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop AF  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment Under 37 C.F.R. § 1.116 in response to the Final Office Action dated October 6, 2003 (Paper No. 18).
2. Additional papers enclosed:

- Drawings:  Formal  Informal (Correction)  
 Information Disclosure Statement  
 Form PTO-1449, \_\_\_\_ references included  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$ 205.00
<input type="checkbox"/> three months	\$ 930.00	\$ 465.00
<input type="checkbox"/> four months	\$ 1,450.00	\$ 725.00

Extension of time fee due with this request: \$\_\_\_\_\_.

If an additional extension of time is required, please consider this a Petition therefor.

- An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	13	minus	20	0	x \$18 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$84 each=	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$280.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- No fee is to be paid at this time.
- Please charge Deposit Account No. 50-0310 the amount of \$ \_\_\_\_\_ for the extension of time fee or fee for claims.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,  
**MORGAN, LEWIS & BOCKIUS LLP**

Dated: December 24, 2003

By:



Victoria D. Hao

Reg. No. 47,630

**CUSTOMER NO. 09629**

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DEC 24 2003  
U.S. TRADEMARK OFFICE

**Amendment Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2828**

**PATENT**  
**ATTORNEY DOCKET NO. 041501-5171**

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Sir:

**AMENDMENT UNDER 37 C.F.R. § 1.116**

In response to the Final Office Action dated October 6, 2003 (Paper No. 18), the period for response to which extends through January 6, 2004, entry of the following amendments is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.